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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.1652 of 2007

Khandu s/o.Kishan Bagade & Ors.. ..Petitioners

Versus

The State of Maharashtra & Ors. ..Respondents

Mr. J.G. Reddy for the Petitioner
Mr. P.M. Patil, AGP for Respondent Nos. 1 to 5.

CORAM : F.I. REBELLO &
R.M.SAVANT, JJ.
DATED : 16TH APRIL, 2007.

P.C.

. It is the case of the petitioners that though their land was acquired their residential houses were not acquired. It is submitted that thereafter the respondents issued notice under Section 4 in respect of the houses, but without issuing the declaration or passing an award are seeking to forcibly evict the petitioners from their houses without following due procedure of law.

2. The respondents dispute the same and point out that the houses have come up after the land was acquired and as such the petitioners are not entitled to any compensation.

3. The issue involved is disputed question of fact as to whether the houses were in existence at the time when the earlier award was passed or were not in existence. If it is the case of the petitioners that they are being dispossessed without following due authority of law it is always open to the petitioner to file a suit for protection of their proprietary rights. With the above observation petition disposed of.

(**R.M. SAVANT,J)** (**F.I.REBELLO**, J)